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## 56.03: When to provide the Right to Cure notice

1. 90-Day Right to Cure Notice. A mortgagee must provide a 90-Day Right to Cure Notice to the borrower in accordance with 209 CMR 56.04 at least 90 days prior to accelerating maturity of the unpaid balance of the mortgage obligation or otherwise enforcing the mortgage because of a default consisting of the borrower's failure to make a required payment as provided in the mortgage or note.
2. Borrower Eligibility. The right to cure a mortgage default shall be granted to a borrower once during any five year period, regardless of the mortgage holder.
3. Delivery.
  - (a) Pursuant to M.G.L. c. 244 § 35A(b), the mortgagee shall deliver the Right to Cure Notice to the borrower by:
    1. Hand-delivery; or
    2. First-class and certified mail or similar service provided by a private carrier to the borrower at the borrower's address last known to the mortgagee or anyone holding thereunder.
  - (b) The Right to Cure Notice may be provided to a borrower in default with the written notice issued pursuant to 12 CFR 1024.39(b), if included as a separate document and delivered in accordance with 209 CMR 56.03(3)(a).
4. Authorization to Send the Right to Cure Notice. A mortgagee may not send the Right to Cure Notice under 209 CMR 56.03(1), unless it has been authorized to collect on the default.
5. Authorization to Accelerate, Foreclose or Seize the Home through Foreclosure. The mortgagee, or anyone holding thereunder, may take steps to terminate the

borrower's ownership in the property by acceleration of the mortgage, a foreclosure

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thereunder, shall file a copy of the Right to Cure Notice and an affidavit demonstrating compliance with M.G.L. c. 244 § 35A, in any action or proceeding to foreclose on such residential property.

## 56.04: Right to Cure notice

In accordance with 209 CMR 56.03, the "90-Day Right to Cure Your Mortgage Default" notice must conform to the following:

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- ***This is an important notice concerning your right to live in your home. Have it translated at once.***
  - ***Esta carta explica sus derechos legales para permanecer en su propiedad de vivienda. Por favor traduzca esta notificacion inmediatamente.***
  - ***Este é um aviso importante em relação ao seu direito de morar na sua residência. Por favor, tem traduzido imediatamente.***
  - ***C'est une notification importante concern ant votre droit de vivre chez vous. Faites-la traduire immédiatement.***
  - ***这是一则关于您居住权的重要通知, 请儘快安排翻译。***
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90-Day Right to Cure Your Mortgage Default

[DATE]

[POSTAL DELIVERY METHOD]

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[Street Address]

[City, ST ZIP Code]

RE: [PROPERTY ADDRESS]; loan [ACCOUNT NO.] with [MORTGAGEE]; [MORTGAGE BROKER/LOAN ORIGINATOR, if applicable]

To [NAME OF BORROWER/S]:

We are contacting you because you did not make your monthly loan payment[s] due on [MORTGAGE PAYMENT DUE DATE/S] to [MORTGAGEE]. You must pay the past due amount of [PAYABLE AMOUNT] on or before [90 DAY EXPIRATION DATE], which is 90 days from the date of this notice. The past due amount on the date of this notice is specified below:

- [UNPAID MORTGAGE PAYMENTS AND DELINQUENCY DATES]
- [INTEREST ACCRUED/PER DIEM INTEREST]
- [APPLICABLE UNPAID ESCROW CONTRIBUTIONS]
- [OTHER LATE CHARGES OR FEES]

If you pay the past due amount, and any additional monthly payments, late charges or fees that may become due between the date of this notice and the date when you make your payment, your account will be considered up-to-date and you can continue to make your regular monthly payments.

Make your payment directly to:

[INCLUDE THE NAME OF PAYMENT CONTACT, DEPARTMENT AND ADDRESS at the MORTGAGEE'S LOCATION].

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with your lender to avoid foreclosure.

- If you are a MassHousing borrower, you may also contact MassHousing (888-843-6432) to determine if you are eligible for additional assistance. There may be other homeownership assistance available through your lender or servicer.
- You may also contact the Division of Banks (617-956-1500) or visit [www.mass.gov/foreclosures](http://www.mass.gov/foreclosures) (/foreclosures) to find a foreclosure prevention program near you.
- After [90 DAY EXPIRATION DATE], you can still avoid foreclosure by paying the total past due amount before a foreclosure sale takes place. Depending on the terms of the loan, there may also be other ways to avoid foreclosure, such as selling your property, refinancing your loan, or voluntarily transferring ownership of the property to [MORTGAGEE].

**If you do not pay the total past due amount of [PAYABLE AMOUNT] and any additional payments that may become due by [90 DAY EXPIRATION DATE], you may be evicted from your home after a foreclosure sale. If [MORTGAGEE] forecloses on this property, it means the mortgagee or a new buyer will take over the ownership of your home.**

If you have questions, or disagree with the calculation of your past due balance, please contact [MORTGAGEE] at [LOCAL OR TOLL FREE TELEPHONE NUMBER, EXTENSION NUMBER] or [ADDRESS].

Sincerely,

[Your Name]

Enclosed with this notice, there may be additional important disclosures related to applicable laws and requirements that you should carefully review.